

ORDINANCE NO. 09-4328

**ORDINANCE AMENDING TITLE 17 OF THE CITY CODE, ENTITLED "BUILDING AND HOUSING," CHAPTER 2, ENTITLED, "ELECTRICAL CODE," TO ADOPT THE STATE ELECTRICAL STANDARDS AND ANNEX H OF THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE AS THE CITY'S ELECTRICAL CODE.**

WHEREAS, the State of Iowa recently adopted the 2008 edition of the National Electrical Code for the requirements of electrical installations;

WHEREAS, the City's current electrical code is the 2005 edition of the National Electrical Code with local amendments;

WHEREAS, section 103.29 of the Code of Iowa allows political subdivisions to adopt electrical standards that are not less stringent than the state standards;

WHEREAS, by adopting the State standards without amendment, local electricians will benefit from having one uniform set of electrical standards;

WHEREAS, the State did not adopt any of the annexes to the 2008 National Electrical Code;

WHEREAS, Annex H consists of administrative provisions, such as issuing permits and conducting inspections; and

WHEREAS, the Board of Appeals has recommended adopting the state electrical standards and Annex H of the 2008 National Electric Code, and it is in the best interest of the City to do so.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CITY, IOWA:

**SECTION I. AMENDMENTS.**

1. Title 17, entitled "Building and Housing," Chapter 3, entitled "Electrical Code," Section 1, entitled "Code Adopted," is hereby amended by deleting Section 1 in its entirety and substituting the following new Section 1:

Subject to the amendments described in section 17-3-2 of this chapter, the electrical standards of the State of Iowa as set forth in 661-Chapter 504 of the Iowa Administrative Code and Annex H Administration and Enforcement (Chapter 80) to the 2008 edition of the National Electrical Code 2008 are hereby adopted. This chapter shall be known as the Iowa City Electrical Code, or Electrical Code, and may be so cited.

2. Title 17, entitled "Building and Housing," Chapter 3, entitled "Electrical Code," Section 2, entitled "Amendments to Code," is hereby amended by deleting Section 2 in its entirety and substituting the following new Section 2:

The Electric Code adopted by section 17-3-1 of this chapter is hereby amended as follows:

A. Section 80.1 Scope. Modify by lettering existing text with a letter designation (A) and adding new section (B) as follows:

(B) Violations: It shall be unlawful for any person, firm or corporation to construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain an electrical system or equipment or cause or permit the same to be done in violation of this code.

B. Section 80.2 Definitions. Modify by deleting in its entirety and insert in lieu thereof the following:

**80.2 Definitions**

Authority Having Jurisdiction. The organization, office, or individual responsible for approving equipment, materials, an installation, or a procedure.

Chief Electrical Inspector. A building inspector who either is the authority having jurisdiction or is designated by the authority having jurisdiction and is responsible for administering the requirements of this code.

Electrical Inspector. A building inspector authorized to perform electrical inspections.

C. Section 80.9 Application. Modify by adding parts D and E to the end of the section as follows:

(D) Maintenance: All electrical systems and equipment, both existing and new, and all parts thereof shall be maintained in a proper operating condition in accordance with the original design and in a safe and hazard-free condition. All devices or safeguards which are required by this code shall be maintained in conformance with this code. The owner or designated agent shall be responsible for the maintenance of the electrical system. To determine compliance with this subsection, the building official may require any electrical system to be re-inspected.

(E) Moved Buildings: Electrical systems and equipment which are part of buildings or structures moved into or within this jurisdiction shall comply with the provisions of this code for new installations.

D. Section 80.13 Authority. Modify by deleting (16) and insert in lieu thereof the following (16) and add new subsections (17), (18), and (19):

(16) Each application for a waiver of a specific electrical requirement shall be filed with the authority having jurisdiction and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as required to justify the request. The authority having jurisdiction shall keep a record of actions on such applications, and a signed copy of the authority having jurisdiction's decision shall be provided for the applicant. Expenses for test verification required by the building inspector shall be made at no expense to this jurisdiction.

(17) Stop Orders: When work is being done contrary to the provisions of this code, the building official may order the work stopped by notice in writing served on persons engaged in the doing or causing such work to be done, and such persons shall immediately stop such work until authorized by the building official to proceed with the work.

(18) Connection After Order To Disconnect: Persons shall not make connections from any energy or power supply nor supply power to an electrical system or equipment which has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of the electrical system or equipment.

(19) Unsafe electrical systems or equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the uniform code for the abatement of dangerous buildings, as amended, or an alternate procedure as may be adopted by this jurisdiction. As an alternative, the building official or other employee or official of this jurisdiction as designated by the governing body may institute other appropriate action to prevent, restrain, correct or abate the violation.

E. Section 80.15. Delete and insert in lieu thereof the following:

80.15 Appeals: See section 17-12 appeals in the city code.

F. Section 80.17. Delete in its entirety.

G. Section 80.18. Insert a new section 80.18 licenses as follows:

80.18 Licenses: See section 17-11 of the city code.

H. Section 80.19 Permits And Approvals. Modify by deleting in its entirety and insert in lieu thereof the following:

80.19 Permits:

(A) Permits Required: Except as specified in subsection B of this section, no electrical work regulated by this code shall be installed, altered, repaired, replaced or remodeled unless a separate electrical permit for each building or structure has first been obtained from the building official.

(B) Exempt Work: An electrical permit shall not be required for the following:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by this code.

2. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.

3. Temporary decorative lighting.

4. Repair or replacement of current-carrying parts of any switch, contactor, control device or contact device of the same type and/or rating.

5. Replacement of any over-current device of the required ampacity and interrupt rating in the same location.

6. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.

7. Temporary wiring for experimental purposes in suitable experimental laboratories.

8. The wiring for temporary theater, motion picture or television stage sets.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

(C) Application For Permit:

1. To obtain a permit, the applicant shall first file a written application on a form furnished by the code enforcement agency, or its successor, for that purpose. Every such application shall:

- a. Identify and describe the work to be covered by the permit for which application is made.
- b. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- c. Indicate the use or occupancy for which the proposed work is intended.
- d. Provide plans, diagrams, computations and specifications and other data as required in subsection 2 of this section.
- e. The permittee, or authorized agent, must sign the application.
- f. Give such other data and information as may be required by the building official.

2. Submittal Documents:

- a. Plans, Diagrams, Etc.: Plans, specifications, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for a permit. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such.
- b. Exception: The building official may waive the submission of plans, calculations, etc., if the building official finds that the nature of the work applied for is such that review of plans is not necessary to obtain compliance with this code.

3. Information On Plans And Specifications:

- a. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.
- b. Plans for buildings more than two (2) stories in height of other than groups R, division 3 and M occupancies shall indicate how required structural and fire-restrictive integrity will be maintained where a penetration will be made for electrical and communication conduits, pipes and similar systems.

(D) Permittee:

1. An electrical permit may be issued to any person holding a valid master electrician license as described in Section 17-11-1 E of the Iowa City Code, or to any company who employs a duly licensed master electrician on a full-time basis who supervises the work of the electricians during the company's normal business hours.
2. A permit may be issued to the owner of an existing owner-occupied single-family dwelling, pursuant to a valid certificate of occupancy and used exclusively for residential purposes, to do any work regulated by this article in connection with said dwelling and accessory buildings. The owner must personally purchase all material and perform all labor in connection with the permit. All work shall comply with this article. Applicants for a homeowner's permit shall pass the designated exam before a permit may be issued.
3. The homeowner's test required in subsection 2 of this section may be waived if the applicant is a duly licensed electrician with a minimum of a journeyman status.

(E) Permits Issued:

1. Issuance:
  - a. The building official shall review the application, plans and specifications, and other data, filed by an applicant for a permit. Other departments of this jurisdiction may review the plans to verify compliance with any applicable laws under their jurisdiction. When the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that all pertinent fees specified in section 80.19(G) of this article have been paid, the building official shall issue a permit to the applicant.
  - b. When the building official issues a permit, the plans and specifications shall be endorsed in writing or stamped "APPROVED". Such approved plans and specifications shall not be changed, modified or altered without authorization from the building official, and all work regulated by this code shall be done in accordance with the approved plans.
  - c. The building official may issue a permit for the construction of part of an electrical system before the entire plans and specifications for the whole system have been

submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. However, the holders of such permits shall proceed at their own risk without assurance that the permit for the entire building, structure or building service will be granted.

2. Retention Of Plans:

One set of approved plans, specifications and computations shall be retained by the building official until final approval of the work is given. One set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times while the work authorized thereby is in progress.

3. Validity Of Permit:

a. The issuance of a permit or the approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

b. The issuance of a permit based upon plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of these codes or of any other ordinances of this jurisdiction.

4. Expiration:

a. Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be recommenced, a new permit shall be first obtained, and the fee therefore shall be one-half ( $1/2$ ) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

b. A permittee holding an unexpired permit may apply for an extension of the time within which work may be commenced under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

5. Suspension Or Revocation:

The building official may, in writing, suspend or revoke a permit issued under the provisions of this code if the permit was issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of the jurisdiction.

(F) Insurance:

Before any permit to perform electrical work may be issued, the applicant shall have on file with the building official a copy of a certificate of insurance stating the liability amounts of no less than three hundred thousand dollars (\$300,000.00) property damage and five hundred thousand dollars (\$500,000.00) bodily injury. The city shall be named as additional insured. The policy shall also provide for at least ten (10) days' notice by the insurer to the city of termination of the policy by the insured or insurer. Electrical permits issued under subsections 80.19(D)1 and 2 of this article shall be exempted from this insurance requirement.

(G) Fees:

1. Permit Fees:

The fee for each electrical permit shall be as set forth by resolution of city council.

2. Work Commencing Before Permit Issuance:

Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to

a fee equal to the amount of the permit if a permit were issued. This fee shall be collected whether or not a permit is issued. The payment of such fee shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law.

Only the building official may reduce this fee when it is demonstrated that an emergency existed that required the work to be done without a permit.

3. Fee Refunds: The building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected. The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee within one hundred eighty (180) days from the date of fee payment.

(H) Inspections:

1. General:

a. All electrical systems and equipment for which a permit is required by this code shall be subject to inspection by the building official, and the electrical system shall remain accessible and exposed for inspection purposes until approved by the building official.

b. It shall be the duty of the permit applicant to cause the electrical system to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for the expense of removing or replacing any material to permit inspection. When the installation of an electrical system and equipment is complete, an additional and final inspection shall be made. Electrical systems and equipment regulated by this code shall not be connected to the energy source until authorized by the building official.

c. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

2. Inspection Requests:

It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official. It shall be the duty of the person requesting inspections required by this code to provide access to and means for inspection of such work.

3. Operation Of Electrical Equipment:

The requirements of this section shall not be construed to prohibit the operation of any electrical system or equipment installed to replace existing equipment. The request for inspection of such equipment must have been filed with the building official not more than forty eight (48) hours after such replacement work is completed and before any portion of such electrical system is concealed by any permanent portion of the building.

4. Other Inspections:

In addition to the called inspections required by this code, the building official may make or require other inspections of any work to ascertain compliance with the provisions of this code and other laws which are enforced by the code enforcement agency or its successor.

5. Reinspections:

a. Incomplete Work: A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspections.

b. Failure To Provide Plans, Access: Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, for not completing the corrective actions from original inspections, or for deviating from plans requiring the approval of the building official.

To obtain a reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose, and pay the reinspection fee as set by resolution of city council. When reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

(I) Connection Approval:

1. Energy Connections: An electrical system or equipment regulated by this code for which a permit is required shall not be connected to a source of energy or power until approved by the building official.

2. Temporary Connections: The building official may authorize the temporary connection of the electrical system or equipment to the source of energy or power for the purpose of testing the equipment, or for use under a temporary certificate of occupancy.

I. Section 80.21.C. Delete responsibility of the authority having jurisdiction in its entirety.

J. Section 80.23. Delete notice of violations in its entirety.

K. Section 80.25.C. Delete notification in its entirety.

L. Section 80-25.E. Delete and insert in lieu of 80.25.E as modified:

80.25.E Disconnection. Where a connection is made to an installation that has not been inspected, as outlined in the preceding paragraphs of this section, the supplier of electricity shall immediately report such connection to the chief electrical inspector. If, upon subsequent inspection, it is found that the installation is not in conformity with the provisions of article 80, the chief electrical inspector shall notify the person, firm, or corporation making the installation to rectify the defects and, if such work is not completed within fifteen (15) business days, or a longer period as may be specified by the chief electrical inspector, the chief electrical inspector shall have the authority to cause the disconnection of that portion of the installation that is not in conformity.

M. Section 80.27. Delete inspector's qualifications in its entirety.

N. Section 80.29. Delete liability for damages in its entirety and insert in lieu thereof the following:

80.29 Liability:

(A) The building official, or an authorized representative charged with the enforcement of this code, acting in good faith and without malice in the discharge of duties, shall not be personally liable for any damage that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of duties.

(B) This code shall not be construed to relieve or lessen the responsibility of a person owning, operating or controlling any building, structure or building service equipment therein for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming such liability by reason of the inspections authorized by this code or approvals issued under this code.

O. Section 80.31. Delete in its entirety.

P. Section 80.33. Delete in its entirety.

Q. Section 80.35. Delete in its entirety.

**SECTION II. REPEALER.** All ordinances and parts of ordinances in conflict with the provision of this Ordinance are hereby repealed.

**SECTION III. PENALTIES FOR VIOLATION.** The violation of any provision of this ordinance is a municipal infraction as provided for in section 1-4-2D of this Code.

**SECTION IV. SEVERABILITY.** If any section, provision or part of the Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION V. EFFECTIVE DATE.** This Ordinance shall be in effect after its final passage, approval and publication, as provided by law.

Passed and approved this 10th day of March, 2009.

  
MAYOR

ATTEST:   
CITY CLERK

Approved by  2-18-09

City Attorney's Office

It was moved by Wilburn and seconded by Champion that the Ordinance as read be adopted, and upon roll call there were:

AYES: NAYS: ABSENT:

<u>X</u>	<u>      </u>	<u>      </u> Bailey
<u>X</u>	<u>      </u>	<u>      </u> Champion
<u>X</u>	<u>      </u>	<u>      </u> Correia
<u>X</u>	<u>      </u>	<u>      </u> Hayek
<u>X</u>	<u>      </u>	<u>      </u> O'Donnell
<u>X</u>	<u>      </u>	<u>      </u> Wilburn
<u>X</u>	<u>      </u>	<u>      </u> Wright

First Consideration 2/24/2009

Vote for passage: AYES: Correia, Hayek, O'Donnell, Wilburn, Wright, Bailey, Champion. NAYS: None. ABSENT: None.

Second Consideration -----

Vote for passage:

Date published 3/18/2009

Moved by Wilburn, seconded by Champion, that the rule requiring ordinances to be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, the second consideration and vote be waived and the ordinance be voted upon for final passage at this time. AYES: O'Donnell, Wilburn, Wright, Bailey, Champion, Correia, Hayek. NAYS: None. ABSENT: None.